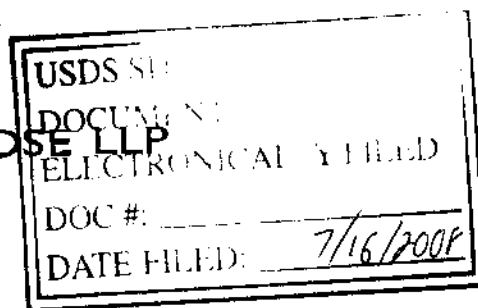


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July 15, 2008

BY FACSIMILE

Hon. John G. Koeltl
United States District Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street, Room 1030
New York, New York 10007

Re: Ragone v. Atlantic Video, Inc., et al.
Civil Action No. 07-CV-6084

Dear Judge Koeltl:

We represent Defendant ESPN, Inc. ("ESPN") in the above-referenced matter and write on behalf of both ESPN and Defendant Atlantic Video, Inc. ("Atlantic Video") with respect to the Court's Order denying the parties' joint-application for an adjournment of the hearing scheduled for this afternoon. There appears to be some confusion as to the reason for the parties' request.

The hearing now scheduled for this afternoon was previously scheduled for last Friday, July 11, 2008. On July 10, 2008, at the request of Plaintiff's counsel, the Court adjourned the hearing and, *sua sponte*, set the new date for the hearing as July 15, 2008. We immediately notified Your Honor's clerk that we would advise the parties of the new date and notify the Court of any scheduling conflicts as soon as possible. We also immediately advised Plaintiff's counsel that defense counsel was unavailable on July 15. The undersigned was scheduled for a deposition and Alan Block, counsel for Atlantic Video, was scheduled for client meetings in Syracuse, New York on the 15th and 16th. All counsel agreed to confer on a date mutually available for the parties and their witnesses. (Plaintiff's counsel is aware that defendants plan to proffer a handwriting expert to testify before the Court.)

As a result of these immediate work conflicts and others in the coming weeks, and the pre-existing vacation schedules of both defense counsel and their witnesses in August, we proposed to the Court September 9, 2008 as the earliest date all of the parties and their witnesses could certainly appear before the Court. While all parties will take the necessary steps to be

No party advised the Court of conflicts until the afternoon before the scheduled hearing. The hearing will proceed today at 2:30 P.M. and the parties can explain any conflicts or reasons for not proceeding at that time.

So ordered.

Jr 6/Koeltl
7/15/08 J.S.D.J.

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represented at a hearing today if the Court denies the instant application, we respectfully renew our application for an adjournment of the hearing scheduled for this afternoon. If granted, the parties are prepared to confer to revisit whether or not a date earlier than September 9 can be found.

On behalf of all the parties and their counsel, I am authorized to represent that the current state of affairs was the product of an attempt to be cooperative in finding a new hearing date in light of the unforeseeable cancelation of last Friday's hearing and we sincerely apologize for any confusion and inconvenience to the Court.

Respectfully submitted,



Kathleen M. McKenna

cc: David Zatuchni, Esq. (by fax)
Alan S. Block, Esq. (by fax)